REMARKS

This Application has been carefully considered in connection with the Office Action. Claims 32-34 and 36-44 are pending. Claims 32, 34, 36-37, 43-44 have been amended. Claims 1-31 were previously withdrawn from consideration. This Application has been carefully considered in connection with the Office Action. Reconsideration and allowance of the above-referenced Application are respectfully requested in light of the foregoing amendments and the following remarks.

I.   Rejection under 35 U.S.C. § 112

Claims 32-34 and 36-44 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action recites that the relationship between "a single selected computer and one or more computers" is not clearly understood. Applicant has amended Claims 32, 36, 37, 43, 44 to overcome the § 112 rejection.

II.   Rejection under 35 U.S.C. § 103

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over a U.S. Patent No. 5,938,732 to Lim et al. (Lim) in view of U.S. Patent No. 6,427,163 B1 to Arendt et al. (Arendt).

Applicant overcomes the rejection of Claim 32. Amended Claim 32 now includes the feature "imposing a minimum heartbeat period ... based on reliability of the connection between the server and one or more computers in the group." Lim and Arendt do not disclose imposing a minimum heartbeat rate or basing this rate on reliability of the connection. This amendment is supported in the present Application, wherein it states:

"if the connection to the Internet is unstable, the client can increase the rate at which it sends ... However, if the connection is reliable, the customer can send ... at a very low rate." (pg. 16, lines 4-13).

In view of the foregoing, it is apparent that the cited reference, either singularly or in any combination, does not disclose, teach or suggest the unique combination recited in Claim 32. It is therefore submitted that Claim 32 clearly and precisely distinguish over the cited art and are therefore allowable over the cited references. Accordingly, it is respectfully requested that the rejection of Claim 32 under 35 U.S.C. §103(a) as unpatentable over Lim in view of Arendt be withdrawn.

Claims 33-34 depend from and further limit independent Claim 32. Therefore, for at least this reason, Claims 33-34 are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that rejection of dependent Claims 33-34 be withdrawn.

Claim 36 was objected to as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form. Amended Claim 36 has been rewritten in independent form including all the limitations of the original base Claim 32. It is respectfully requested that the objection of Claim 36 be withdrawn.

Independent Claim 37 is also rejected under 35 U.S.C. §103(a) as unpatentable over Lim in view of Arendt. Specifically, the Office Action recites that "Lim further discloses... providing a response to a message query for the computer resources for which the heartbeat is absent that the computer resources are unavailable (that is., failure detection; col. 4, lines 8-9; col. 6, lines 54-62; col. 8, lines 23-35; col. 12, lines 39-50)."

Applicant overcomes the rejection of amended Claim 37. Independent Claim 37

recites a feature of "providing a response to a message query for the computer resources

..." Failure detection as described by Lim does not teach the feature claimed. Lim

states "When a host fails...the leader then reassigns these unserved addresses to other

available hosts within the group." (Col. 6, lines 54-60). Lim further states that failure

detection "involves monitoring of the 'info' or control messages sent by each host." (Col.

8, lines 23-25). Lim does not teach "providing a response to a message query for the

computer resources for which the heartbeat is absent that the computer resources are

unavailable" by the one or more selected servers.

In view of the foregoing, it is apparent that the cited reference, either singularly or

in any combination, does not disclose, teach or suggest the unique combination recited in

Claim 37. It is therefore submitted that Claim 37 clearly and precisely distinguishes over

the cited art and are therefore allowable over cited the references. Accordingly, it is

respectfully requested that the rejection of Claim 37 under 35 U.S.C. §103(a) as

unpatentable over Lim in view of Arendt be withdrawn.

Claims 38-42 depend from and further limit independent Claim 37. Therefore, for

at least this reason and the reasons stated above, Claims 38-42 are also deemed to be in

condition for allowance. Accordingly, it is respectfully requested that the rejection of

dependent Claims 38-42 be withdrawn.

Claim 43 is rejected under 35 U.S.C. §103(a) as unpatentable over Lim in view of

Arendt. Specifically, the Office Action recites that Lim discloses the invention

substantially as claimed in Claim 32 and Lim discloses transmitting the message to the

one or more selected servers. (col. 5, lines 25-35 and 66-67 – col. 6, line 6).

Applicant respectfully traverses the rejection of independent Claim 43. Lim

discloses that "each member transmits messages to all other group members by addressing the message to the service group address." (Col. 5, lines 25-28). Lim's "group member" is the equivalent of the one or more computers in a network associated with the single selected computer. Lim teaches transmitting messages from each "host within a service group" (col. 5, line 66) to other hosts. Lim does not disclose "transmitting the message to the one or more selected servers."

In view of the foregoing, it is apparent that the cited reference, either singularly or in any combination, does not disclose, teach or suggest the unique combination recited in Claim 43. It is therefore submitted that Claim 43 clearly and precisely distinguish over the cited art in a patentable sense and are therefore allowable over that reference and remaining reference of record. Accordingly, it is respectfully requested that the rejection of Claim 43 under 35 U.S.C. §103(a) as unpatentable over Lim in view of Arendt be withdrawn.

Claim 44 is rejected under 35 U.S.C. §103(a) as unpatentable over Lim in view of Arendt. Specifically, the Office Action recites that Lim discloses the invention substantially as claimed in claim 32 and Lim discloses providing a response to a message query for the computer resources for which the heartbeat is absent that the computer resources are unavailable."

Applicant respectfully traverses the rejection of Claim 44. Applicant contends that Claim 44 is overcome for substantially similar reasons that Claim 37 is overcome. These include the fact that Lim does not disclose, teach or suggest "providing a response to a message query for the computer resources for which the heartbeat is absent that the computer resources are unavailable" by the one or more selected servers. Therefore, for

at least this reason, Claim 44 is also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejection of Independent Claim 44 be withdrawn.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 32-34 and 36-44.

Enclosed is a check in the amount of $194.00 for payment of new independent

Claim 36 and a one-month extension fee. Applicant does not believe any other fees are

due in connection with the filing of this paper; however, in the event that any fees are

due, the Commissioner is hereby authorized to charge any required fees due (other than

issue fees), and to credit any overpayment made, in connection with the filing of this

paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner have any questions or desire clarification of any sort, or

deem that any further amendment is desirable to place this Application in condition for

allowance, the Examiner is invited to telephone the undersigned at the number listed

below.

Respectfully submitted,

Date:_____

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